

**ERIE COUNTY LEGISLATURE
MEETING NO. 15
AUGUST 18, 2017**

The Legislature was called to order by Chair Mills.

All members present, except Mr. Savage.

An Invocation was held, led by Mr. Lorigo, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Loughran.

LOCAL LAWS

Item 1 – MR. LORIGO moved to take Local Law No. 11 (Print #1) 2017 off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

**LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE**

LOCAL LAW INTRO. – NO. 11-1 - 2017

LOCAL LAW – NO. _____ - 2017

A LOCAL LAW of the County of Erie, repealing the wireless communications surcharge authorized by Article Six of the County Law of the State of new York; and imposing the wireless communications surcharges pursuant to the authority of Tax Law Section 186-g.

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. Erie County Local Law No. 1 of the year 2006, is hereby REPEALED.

SECTION 2. Imposition of wireless communications surcharges. (a) Pursuant to the authority of Tax Law § 186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Erie on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this Local Law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

SECTION 3. Administration of surcharges. The surcharges imposed by this Local Law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law § 186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

SECTION 4. Applicability of State law to surcharges imposed by this Local Law. All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

SECTION 5. Net collections received by this County from the surcharges imposed by this Local Law shall be expended only upon authorization of the Legislature of the County of Erie and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such County, as provided in paragraph (9) of Tax Law § 186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6. Effective date. This Local Law shall take effect December 1, 2017.

Sponsor: Legislator John J. Mills

MR. LORIGO moved to approve Local Law No. 11 (Print #1) 2017. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 2 – MR. LORIGO moved to take Local Law No. 13 (Print #1) 2017 off the table. MS. DIXON seconded. MR. BURKE voted in the negative.

CARRIED 9-1-1.

RESOLUTION NO. 178

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 13-1 - 2017

LOCAL LAW – NO. _____ - 2017

A LOCAL LAW amending Local Law No. 1 of 1959, as amended, otherwise known as the Erie County Charter requiring all County contracts over \$10,000 be awarded to American based companies using American manufactured materials, also known as the Made in America Act.

SECTION 1. Legislative Intent

It is the intent of this honorable body to show support for American manufacturers and workers. Erie County contracts to buy millions of dollars of goods and services each year. This honorable body wishes to support local American based companies and workers by requiring all Erie County contracts over \$10,000 include a provision guaranteeing the use of American made materials.

SECTION 2. Amendment to the Erie County Charter

Amend Article 2, Section 202(10) of the Erie County Charter to read as follows:

Section 202. Powers and Duties

10. To award contracts submitted to it for approval on bids or otherwise and to determine whether acceptance of any bid or award of any proposed contract will best promote the public interest. In the awarding of contracts, the first consideration shall be given to the best promotion of the public interest subject to the following requirements. All contracts of \$10,000 or more entered into by the County of Erie, its departments, or affiliates shall include provisions that guarantee all goods and materials purchased under said contract shall be manufactured or produced in whole or substantial part, in the United States. The County may enter into contracts utilizing non-domestic materials upon a declaration by the County Executive stating that to do otherwise is not in the best interests of the residents of Erie County and shall require a two-thirds majority vote of the County Legislature.

SECTION 3. Referendum

This Local Law shall be submitted for the approval/disapproval of the voters of Erie County at the next general election.

SECTION 4. Effective Date

If approved by the voters of Erie County, this local law shall take effect on the first day of January, in the year immediately following such approval.

SECTION 5. Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Sponsor: Legislator Ted B. Morton

Items in [brackets] are to be deleted. Underscored items are to be added.

MR. LORIGO moved to approve Local Law No. 13-1 2017. MR. MORTON seconded.

MS. GRANT moved to table the item. MR. BURKE seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN and MS. MILLER-WILLIAMS.
NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. ABSENT: MR. SAVAGE. (AYES: 4; NOES: 6; ABSENT: 1)

FAILED 4-6-1.

CHAIR MILLS moved the previous question, and directed that a roll call vote be taken.

AYES: MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: MR. BURKE. ABSENT: MR. SAVAGE. (AYES: 9; NOES: 1; ABSENT: 1)

CARRIED 9-1-1.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 3 – MR. LOUGHRAN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-7 from LEGISLATOR SAVAGE. Re: Letter of Absence from Legislative Session

Received, filed and printed.

August 16, 2017
Karen M. McCarthy
Erie County Legislature
92 Franklin St.
Buffalo, NY 14202

Dear Ms. McCarthy:

Please accept this letter as notice that I will not be able to attend the special meeting of the Erie County Legislature, to be held August 18, 2017, due to personal out-of-town travel.

Kindly excuse my absence from this meeting.

Thank you.

Sincerely,
PETER J. SAVAGE III
Peter J. Savage III
Erie County Legislator – 3rd District

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 4 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. HARDWICK seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH.
NOES: None. ABSENT: MR. SAVAGE. (AYES: 10; NOES: 0; ABSENT: 1)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

RE: Opioid Epidemic Response
Programming - Authorization to Issue
Contracts per RFP#1715VF
(COMM. 15E-1)

WHEREAS, in order to take additional steps to combat the opioid epidemic the Erie County Legislature approved the allocation of \$1,000,000 of unassigned fund balance via Intro. 10-8 (2017); and

WHEREAS, per COMM 11E-10 the Erie County Legislature designated \$500,000 to the Erie County Department of Health to establish a Request for Proposal process to allocate funding in response to the opioid epidemic; and

WHEREAS, COMM 11E-10 directed the Departments of Health and Mental Health assess the funding proposals; and

WHEREAS, COMM 11E-10 designated the funding to support "innovative and novel approaches to combat the opioid epidemic which currently have no funding source"; and

WHEREAS, an Evaluation Committee was formed to review these proposals; and

WHEREAS, Neighborhood Health Center, Evergreen Health, and International Institute of Buffalo had the highest scoring proposals based on the criteria set forth; and

WHEREAS, the award to Evergreen Health was approved by the Erie County Legislature on July 27th 2017; and

WHEREAS, a Special Session of the Erie County Legislature may be convened to discuss and approve the remaining awards.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Neighborhood Health Center for \$207,221; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with International Institute of Buffalo for \$50,000; and be it further

RESOLVED, that funding is available for these contracts in Fund 110, Fund Center 12700, Account #516020, Professional Svc Contracts & Fees; and

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, Michael R. Ranney, Commissioner of Mental Health and to Dr. Gale R. Burstein, Commissioner of Health.

Item 5 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. HARDWICK seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH.
NOES: None. ABSENT: MR. SAVAGE. (AYES: 10; NOES: 0; ABSENT: 1)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: Appointment of Commissioner of the
Department of Public Works
(COMM. 15E-2)

RESOLVED, the Erie County Legislature hereby confirms the appointment of William E. Geary Jr. of 6 Alexander Rd, West Seneca, NY 14224 to serve as the Erie County Commissioner of the Department of Public Works.

FROM CHAIR MILLS

Item 6 – (COMM. 15E-3) Letter to Clerk of the Legislature Calling a Special Session of the Legislature

Received, filed and printed.

August 11, 2017
Karen M. McCarthy
Clerk of the Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Ms. McCarthy,

Pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a SPECIAL MEETING of the Erie County Legislature to be held on FRIDAY, AUGUST 18, 2017 at 3:00 p.m. in the afternoon of that day in the Chambers of the Legislature, 4th Floor of Old County Hall, 92 Franklin St., Buffalo, N.Y.

The purpose of the meeting will be, to consider the following and items related to but not limited, to: Local Law Intro. 11-1 (2017), Local Law Intro. 13-1 (2017), Opioid Epidemic Response Programming, Appointment to the Commissioner of the Department of Public Works, Erie County Shared Services Initiative Panel Proposed Plan and Legislative Shared Services recommendations.

The agenda will include, but in no way be limited to, my letter calling the Special Session, notification to the Legislators by the Clerk and documents related to the purpose of the meeting.

Thank you for your attention to this matter.

Sincerely,
JOHN J. MILLS
John J. Mills
Chair of the Erie County Legislature

Item 7 – (COMM. 15E-4) Letter to Clerk of the Legislature Calling a Public Hearing Regarding LL Intro. 13-1 (2017)

Received, filed and printed.

August 2, 2017
Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

Please be advised that I want to call a Public Hearing to hear comment on Local Law Intro. 13-1 (2017) A Local Law amending Local Law No. 1 of 1959, as amended, otherwise known as the Erie county Charter requiring all County contracts over \$10,000 be awarded to American based companies using American manufactured materials, also known as the Made in America Act.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 6:00 p.m. on Wednesday August 9, 2017 in the Erie County Legislature Chambers, located on the 4th floor of Old County Hall, 92 Franklin Street in the City of Buffalo.

Thank You for your attention to this matter.

Sincerely,
JOHN J. MILLS
John J. Mills, Chair
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 8 – (COMM. 15E-5) Erie County Shared Services Initiative Panel Proposed Plan

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR MORTON

Item 9 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: Legislative Shared Services
Recommendation No. 1 Regarding
Dredging of Como Lake
(COMM. 15E-6)

RESOLVED, the Erie County Legislature hereby approves the following legislative recommendation to the Erie County Shared Services Initiative Panel Proposed Plan, submitted by the County Executive to this honorable body July 31, 2017:

**Shared Services Recommendation
 Submitted by Legislator Morton**

Reason for recommendation:

For the past several years I have advocated for the dredging of Como Park Lake. Over time the lake fills with sediment and must be regularly dredged. As of this summer the county has been unable to provide the manpower to get this done. This year the need to submit for shared services plans has offered an opportunity to get the lake cleaned up using labor and machinery provided by the local municipalities.

The Town of Lancaster, the Village of Lancaster, and the Village of Depew have pledged to assist with the dredging of the lake; their letters of support are attached to this recommendation. The Town of Lancaster has pledged they will do "...everything that they can to assist Erie County in its endeavor to dredge Como Park Lake..." and the Village of Lancaster is offering both machinery and manpower in the form of dump trucks and drivers to haul away any sediment dredged from the lake. The Village of Depew has also issued a letter of support for the revitalization of Como Park Lake.

Costs have been estimated by county representatives to be as high as \$600,000. If there are any upfront costs incurred by the county it is likely going to be related to soil testing. However, it is my understanding that the soil testing is already going to be performed by the county.

Recurring savings would be significant, as a partnership among all three participants would eliminate the need for the county to borrow to get the work done. The savings are estimated using on a 30 year loan for the entire \$600,000 at a conservative 3.00% interest rate, which would cost the county over \$30,000 per year for the next 30 years.

Shared services proposal:

Description	Start Date	Participants	2017	Savings		After	Explanation of Savings
				2018	2019		
Dredging of Como Lake	2017	Town and Village of Lancaster & the Village of Depew	(\$600,000)				The Town of Lancaster, the Village of Lancaster, and the Village of Depew have offered to perform all necessary work for the dredging of Como Park Lake. This will provide an immediate savings of \$600,000. In the year's following dredging the county will save at least \$30,000 a year, for a 30 year term, in financing costs.
		Erie County		\$30,000	\$30,000	\$840,000	

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 10 – (COMM. 15D-1) Letter to Legislators Regarding Special Session of the Legislature

Received, filed and printed.

TO: All Members of the Erie County Legislature
FROM: Karen M. McCarthy, Clerk
DATE: August 11, 2017
SUBJECT: Special Meeting Notice

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER OF THE ERIE COUNTY LEGISLATURE, and under the direction of Chair John J. Mills, there will be a SPECIAL MEETING of the Erie County Legislature on **FRIDAY, AUGUST 18, 2017 AT 3:00 p.m.** of that day in the Chambers of the Erie County Legislature, 4th Floor of Old County Hall, 92 Franklin St., Buffalo NY.

The purpose of the meeting will be, to consider the following and items related to but not limited, to: Local Law Intro. 11-1 (2017), Local Law Intro. 13-1 (2017), Opioid Epidemic Response Programming, Appointment to the Commissioner of the Department of Public Works, Erie County Shared Services Initiative Panel Proposed Plan and Legislative Shared Services recommendations.

Thank you.

Item 11 – (COMM. 15D-2) Notice of Special Session of the Legislature

Item 12 – (COMM. 15D-3) Notice of Public Hearing Regarding LL Intro. 13-1 (2017)

Item 13 – (COMM. 15D-4) Notice of Informational Discussion Regarding Opioid Epidemic Response Programming

Item 14 – (COMM. 15D-5) Comments Received Regarding LL Intro. 13-1 (2017)

The above four items were received and filed.

FROM THE DEPARTMENT OF LAW

Item 15 – (COMM. 15D-6) Notice of NYS Department of State Local Law Filing for Local Law 3 (2017)

Item 16 – (COMM. 15D-7) Filing of LL Intro. 9-1 (2017)

The above two items were received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM TIMOTHY KENNEDY, NYS SENATOR

Item 17 – (COMM. 15M-1) Letter Regarding Support for the Neighborhood Health Center Proposal for Opioid Epidemic Response Programming

Received and filed.

FROM MICHELLE SCHOENEMAN

Item 18 – (COMM. 15M-2) Letter to Chair Mills Regarding a Request for Public Hearing on EC Water Authority

Received and filed.

ANNOUNCEMENTS

Item 19 – CHAIR MILLS announced a public hearing regarding proposed increase and improvements of facilities of EC Sewer District No. 2 is scheduled for Aug. 24, 2017 at 6:00 p.m. in the Legislature Chambers.

Item 20 – CHAIR MILLS announced a public hearing regarding proposed increase and improvements of facilities of EC Sewer District No. 3 is scheduled for Aug. 24, 2017 at 6:30 p.m. in the Legislature Chambers.

Item 21 – CHAIR MILLS announced the next regularly scheduled legislative session is Sept. 7, 2017.

MEMORIAL RESOLUTIONS

Item 22 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Horace J. “Orie” Alessi, Patrick Higgins, Thomas B. McCarthy, Frances T. Sajda, Marie A. Stuhlmiller and Richard D. “Dick” Tracey.

Item 23 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Linda Bauer and Thomas Maas.

ADJOURNMENT

Item 24 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, September 7, 2017 at 2:00 p.m. Eastern Standard Time. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, September 7, 2017 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE